

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**FEDEX FREIGHT EAST, INC.**

**and**

**Case 13-CA-166350**

**JOHN MARSHALL**

**ORDER<sup>1</sup>**

The Employer's petition to revoke subpoena duces tecum B-1-RA5R6L is denied.<sup>2</sup> The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., July 13, 2016.

PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER
LAUREN McFERRAN,	MEMBER

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously provided documents constitute all of the requested documents, and provides all of the information that was subpoenaed.

The Region indicated in its opposition brief that it is willing to modify the subpoena by limiting the information requested in paragraphs 1 and 4 to the Employer's Midwest Region. (Opp. p. 4.) In addition, the Region clarified that it is seeking electronic information only from the Employer's centrally located computer systems. (Opp. p. 5) In considering the petition to revoke, we have evaluated the subpoena as modified in this manner. We have also evaluated the subpoena in light of the Region's clarification in its opposition brief that the requests in subpoena paragraphs 2 and 3, regarding alert line calls and any ensuing investigations, are limited to just those alert line calls similar to the call lodged against the Charging Party. (Opp. p. 6.)